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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/311,188	05/13/1999	DEBORAH L. PINARD	3988	9904

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EXAMINER	
SING, SIMON P	

ART UNIT	PAPER NUMBER
2645	15

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/311,188	PINARD, DEBORAH L.	
	Examiner	Art Unit	
	Simon Sing	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-7 and 14-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *10-13 and 28* is/are allowed.

6)☐ Claim(s) *1,4-7,14-27,29 and 30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claim 20 is directed to non-statutory subject matter, which claims a view application program executable by a computer but fails to disclose where the program is stored. Examiner suggests amending the claim from: "A view application program executable by a computer for displaying..."; to: "A view application program, stored in a computer readable medium, executable by a computer for displaying...".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 15 recites the limitation "the improvement" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 4-7, 14-19, 27, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal US 6,411,685 in view of Visual Decision's Discovery for Developers (IDS provided by Applicant).

3.1 Regarding claim 1, O'Neal discloses a unified messaging system in figure 1, comprising:

a network (PSTN 160 and WEB 150) for receiving incoming communications such as voicemail, fax and e-mail (column 5, lines 23-31);

a plurality of applications for handling and storing voicemail, fax and e-mail for a user (column 5, lines 23-31; figures 2-4 and 9); and

a computer (user node 20) connected to WEB 150 (column 6, lines 2-8) for receiving said voicemail, fax and –mail, and display incoming communication information, including message types (voicemail, fax and e-mail), numbers of messages of each type, and categories (new/old, deleted/trash messages), on a display (figure 9).

O'Neal teaches displaying incoming communication information in a two-dimensional display on a user's computer as shown in figure 9, but fails to teach displaying the incoming communication information in a three-dimensional display.

Visual Decision's Discovery for Developers (VDDD) discloses a user configurable 3-D graphical application (page 6, paragraphs 3-5), which is able to acquire data (page 3, paragraphs 3-4) and displaying acquired data in a 3-D view, such as lines, cubes, charts, and surfaces, etc. (page 3, paragraphs 5-7). VDDD is applicable in

telecommunications, such as network monitoring. As an example, VDDD teaches making a traditional two dimensional Dow Jones Industrial average into a three dimensional view with a first axis denoting stock type (company name), a second axis denoting number of shares (stock volume), and a third axis denoting stock price (minimum and maximum, or categories).

VDDD also teaches making a traditional two dimensional Dow Jones Industrial average into a three dimensional view with a first axis denoting stock type (company name), a second axis denoting stock volume (number of shares), and a third axis denoting stock price (minimum and maximum, or categories).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the O'Neal's reference with the teaching of Visual decision's Discovery Developer, so that the two dimensional display of O'Neal would have been three dimensional including a first axis denoting message type, a second axis denoting number of messages of each type, and a third axis denoting categories (new, old and deleted/trash) of each message type, and with objects (cubes lines, charts and surfaces) representing types and categories of incoming messages, because such modification would have presented an improved three dimensional presentation of incoming messages to a user.

3.2 Regarding claim 4, the O'Neal' reference, modified by VDDD, teaches object sizes representing incoming information (see Dow Jones Industrial Average of VDDD).

3.3 Regarding claim 5, the O'Neal' reference, modified by VDDD, teaches object appearing at a spaced location (see Dow Jones Industrial Average of VDDD).

3.4 Regarding claim 6, the O'Neal' reference, modified by VDDD, teaches a three dimensional (inherently, x, y and z axes) representation of incoming messages, and each object (cubes, lines charts and surfaces) would have represent the number of each type messages as indicated in figure 9 of O'Neal.

3.5 Regarding claim 7, as discussed in claim 1, categories of incoming messages divides into new (unread), old (read) and deleted.

3.6 Regarding claim 14, as discussed in claim 1, VDDD is a user configurable application, which enable a user to configure incoming messages by type and categories of each type.

3.7 Regarding claims 15, 16, 27 and 29, O'Neal discloses a unified messaging system in figure 1, comprising:

a network (PSTN 160 and WEB 150) for receiving incoming communications such as voicemail, fax and e-mail (column 5, lines 23-31);

a plurality of applications for handling and storing voicemail, fax and e-mail for a user (column 5, lines 23-31; figures 2-4 and 9); and

a computer (user node 20) connected to WEB 150 (column 6, lines 2-8) for receiving said voicemail, fax and –mail, and display incoming communication information, including message types (voicemail, fax and e-mail), numbers of messages of each type, and categories (new/old, deleted/trash messages), on a display (figure 9).

O'Neal teaches requesting (column 14, lines 62-66) and displaying incoming communication information in a two-dimensional display on a user's computer as shown in figure 9, but fails to teach displaying the incoming communication information in a three-dimensional display.

Visual Decision's Discovery for Developers (VDDD) discloses a user configurable 3-D graphical application (page 6, paragraphs 3-5), which is able to acquire data (page 3, paragraphs 3-4) and displaying acquired data in a 3-D view, such as lines, cubes, charts, and surfaces, etc. (page 3, paragraphs 5-7). VDDD is applicable in telecommunications, such as network monitoring. As an example, VDDD teaches making a traditional two dimensional Dow Jones Industrial average into a three dimensional view with a first axis denoting stock type (company name), a second axis denoting number of shares (stock volume), and a third axis denoting stock price (minimum and maximum, or categories).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the O'Neal's reference with the teaching of Visual decision's Discovery Developer, so that the two dimensional display of O'Neal would have been three dimensional including a first axis denoting message type, a second axis denoting number of messages of each type, and a third axis denoting

categories (new/unread, old/read and deleted/trash) of each message type, and with objects (cubes lines, charts and surfaces) representing types and categories of incoming messages, because such modification would have presented an improved three dimensional presentation of incoming messages to a user.

3.8 Regarding claim 17, the O'Neal' reference, modified by VDDD, teaches object sizes representing incoming information (see Dow Jones Industrial Average of VDDD).

3.9 Regarding claim 18, as discussed in claim 16, categories of incoming messages divides into new (unread), old (read) and deleted.

3.10 Regarding claims 19 and 30, as discussed above, incoming messages comprises voicemail, fax and e-mail messages.

4. Claims 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Windows 98.

4.1 Regarding claim 20, Microsoft Window 98 discloses a PAINT APPLICATION (start-programs-accessories-paint), which enables a user to draw/paint on a computer screen, and to save any drawing the user may have created in a storage medium. Windows 98 fails to specifically teach drawing a three dimensional graph with objects representing different types of incoming communications, said graph includes a first axis

denoting different types of incoming communications, a second axis denoting numbers of incoming communications and a third axis denoting categories of incoming communications of within each type.

However, it would have been obvious to one of ordinary skill in the art at the time the invention, with incoming communications data on hand, using the PAINT APLLICATION installed in a computer to draw a three dimensional graphical representation for representing incoming communications, with a first axis denoting different types of incoming communications, a second axis denoting numbers of incoming communications and a third axis denoting categories of incoming communications of within each type; and objects representing different types of incoming communications. Since the current invention simply displaying a 3-D computer graphical image (instead of one drawn up on paper), the presentation (such as position, size and shape) of incoming of communication data in the graph would have been a design choice. When the three dimensional graphical representation had been saved in the computer, the PAINT APPLICATIOT (view application program) would have been able to open the three dimensional graphical representation file saved and to cause the computer to display this three dimensional graphical representation on display window.

4.2 Regarding claims 21-26, how to draw up a three dimensional graphical representation would have been a design choice.

5. Claims 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Visual Decision's Discovery for Developers (IDS provided by Applicant).

5.1 Regarding claim 20, Visual Decision's Discovery for Developers (VDDD) discloses a user configurable 3-D graphical application (page 6, paragraphs 3-5), which is able to acquire data (page 3, paragraphs 3-4) and displaying acquired data in a 3-D view, such as lines, cubes, charts, and surfaces, etc. (page 3, paragraphs 5-7). VDDD teaches that this program is applicable in telecommunications, such as network monitoring. As an example, VDDD teaches making a traditional two dimensional Dow Jones Industrial average into a three dimensional view with a first axis denoting stock type (company name), a second axis denoting number of shares (stock volume), and a third axis denoting stock price (minimum and maximum, or categories). In addition, the applicant admitted that the 3-D view application of current invention was created using the VDDD (Specification, page 6, lines 13-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention would have utilized VDDD to create any 3-D view graph of incoming communications data, because how the 3-D view was presented would have been a design choice since VDDD included various example of 3-D view graphs.

5.2 Regarding claims 21-26, as discussed above, how incoming communications data are presented in a 3-D view graph would have been a design choice.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 4-7 and 10-26 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

7. Claims 28 and 10-13 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

7.1 Independent claim 28 discloses a multimedia system with a plurality of applications for handling different media types of incoming communications, and a computer for displaying said incoming communications in a 3-D graph, wherein e-mails are categorized based on priority, telephone messages are categorized based internal or external callers and Internet messages are categorized based on subject matter.

Prior art by O'Neal (US 6,411,685) teaches categorizing incoming messages based on status such as new, old and deleted, but fails to teach categorizing based on priority for e-mail, internal/external callers for voicemail, and subject matter for Internet messages.

Prior art by Greco (US 5,568,540) discloses a multimedia messaging system and teaches identifying voice messages originators as internal or external callers (column 54, lines 45-51), but fail to categorize voicemail messages based on internal/external callers.

7.2 Claims 10-13 are dependents of claim 28, and therefore are allowed.

Conclusion

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

S.S.

05/25/2004